

Case 2:11-mj-00273-DAD Document 4 Filed 09/01/11 Page 1 of 1

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF CALIFORNIA**

06 SEP '11 11:20USDC-ORP
REC'D 06 SEP '11 11:20USDC-ORP

OFFICE OF THE CLERK

**501 "I" Street
Sacramento, CA 95814**

U.S. District Court Oregon
1000 S.W. Third Ave
Portland, OR 97204

**RE: USA vs.
USDC No.: 2:11-MJ-00273-DAD**

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated August 31, 2011 , transmitted herewith are the following documents.

Electronic Documents: 1 to 3.

Documents maintained electronically by the district court are accessible through PACER for the Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

September 1, 2011

/s/ A. Kastilahn

Deputy Clerk

RECEIVED BY:

Please Print Name

DATE RECEIVED:

NEW CASE
NUMBER:

CLOSED, INTERPRETER

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CRIMINAL DOCKET FOR CASE #: 2:11-mj-00273-DAD All Defendants**

Case title: USA v. Lopez-Prado Date Filed: 08/31/2011
Other court case number: CR 10-510 RE District of Oregon, Date Terminated: 08/31/2011
Portland Division

Assigned to: Magistrate Judge Dale A.
Drozd

Defendant (1)

Moises Lopez-Prado
TERMINATED: 08/31/2011

represented by **Courtney Diane Fein**
Federal Defender's Office
801 I Street
Third Floor
Sacramento, CA 95814
916-498-5700
Fax: 916-498-5710
Email: courtney_fein@fd.org
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

RULE 5(c)(3)

Disposition

Plaintiff

USA

represented by **Paul Andrew Hemesath**
United States Attorney's Office
501 I Street, Suite 10-100
Sacramento, CA 95814
916-554-2700
Fax: 916-554-2900
Email: paul.hemesath@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/31/2011		RULE 5(c)(3) ARREST as to Moises Lopez-Prado (1) from District of Oregon, Portland Division. Case CR 10-510 RE. (Manzer, C) (Entered: 08/31/2011)
08/31/2011	<u>1</u>	MINUTES (Text Only) for proceedings held before Magistrate Judge Dale A. Drozd: INITIAL APPEARANCE in RULE 5(c)(3) PROCEEDINGS (Superseding Indictment; District of Oregon, Portland Division; 3:10-cr-00510-RE) as to Moises Lopez-Prado held on 8/31/2011. Appearance entered by Paul Andrew Hemesath for USA, Courtney Diane Fein for Moises Lopez-Prado on behalf of defendant. Defendant advised rights and pending charges. Waived full reading. Defendant waived identity hearing and requested removal. Govt. moved for detention, defense submits. Court ordered defendant detained, on danger and flight, pending further proceedings. Court directed USM to transport Defendant to District of Oregon, Portland Division as soon as practical. Interpreter Yolanda Riley-Portal appointed in case as to Moises Lopez-Prado Government Counsel Paul Hemesath present. Defense Counsel Courtney Fein present. Custody Status: Present, In Custody. Court Reporter/CD Number: Jonathan Anderson/1. Interpreter Yolanda Riley-Portal present. (Shaddox-Waldrop, A) (Entered: 08/31/2011)
08/31/2011	<u>2</u>	DETENTION ORDER as to Moises Lopez-Prado signed by Magistrate Judge Dale A. Drozd on 8/31/11. (Kastilahn, A) (Entered: 09/01/2011)
08/31/2011	<u>3</u>	COMMITMENT to ANOTHER DISTRICT as to Moises Lopez-Prado, signed by Magistrate Judge Dale A. Drozd on 8/31/11. Defendant committed to District of District of Oregon, Portland Division. (Kastilahn, A) (Entered: 09/01/2011)
09/01/2011	<u>4</u>	TRANSMITTAL of DOCUMENTS re <u>3</u> Commitment to Another District on *8/31/2011* to * U.S. District Court Oregon* *1000 S.W. Third Ave* *Portland, OR 97204*. ** *Electronic Documents: 1 to 3. *. (Kastilahn, A) (Entered: 09/01/2011)

PACER Service Center			
Transaction Receipt			
09/07/2011 08:16:57			
PACER Login:	us4456	Client Code:	
Description:	Docket Report	Search Criteria:	2:11-mj-00273-DAD
Billable Pages:	1	Cost:	0.08

Case 2:11-mj-00273-DAD Document 2 Filed 08/31/11 Page 1 of 2

FILED

AUG 31 2011

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

2:11-mj-00273-DAD

v.

MOISÈS LOPEZ-PRADO,

Defendant.

DETENTION ORDERA. Order For Detention

After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (I)

B. Statement Of Reasons For The Detention

The Court orders the defendant's detention because it finds:

- ☒ By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
- ☒ By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

C. Findings Of Fact

The Court's findings are based on the evidence which was presented in Court and that which was contained in the Pretrial Services Report, and includes the following:

- ☒ (1) Nature and Circumstances of the offense charged:
- ☒ (a) The crime. 21 USC §§ 841, 846 & 863
- ☐ (b) The offense is a crime of violence.
- ☐ (c) The offense involves a narcotic drug.
- ☒ (d) The offense involves a large amount of controlled substances.
- ☐ (2) The weight of the evidence against the defendant is high.
- ☒ (3) The history and characteristics of the defendant including:
- (a) General Factors:
- ☐ The defendant appears to have a mental condition which may affect whether the defendant will appear.
- ☒ The defendant has no known family ties in the area.
- ☒ The defendant has no known steady employment.
- ☒ The defendant has no known substantial financial resources.
- ☐ The defendant is not a long time resident of the community.
- ☒ The defendant does not have any known significant community ties.
- ☐ Past conduct of the defendant: _____
- ☐ The defendant has a history relating to drug abuse.
- ☐ The defendant has a significant prior criminal record.
- ☐ The defendant has a prior record of failure to appear at court proceedings.

DEFENDANT: Moises Lopez Prado 2:11-cr-00273-DAD Document 2 Filed 08/31/11 Page 2 of 2 Page 2 of 2CASE NUMBER: 2:11-mj-00273-DAD

Whether the defendant was on probation, parole, or release by a court;

At the time of the current arrest, the defendant was on:

- ☐ Probation
☐ Parole
☐ Release pending trial, sentence, appeal or completion of sentence.

(b) Other Factors:

- ☒ The defendant is an illegal alien and is subject to deportation.
☐ The defendant is a legal alien and will be subject to deportation if convicted.
☒ Other: No Bail ICE Detainer

☒ (4) Rebuttable Presumptions

In determining that the defendant should be detained, the court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e), which the court finds the defendant has not rebutted:

- ☐ a. (1) The crime charged is one described in § 3142(f)(1) viz.
☐ (A) a crime of violence; or
☐ (B) an offense for which the maximum penalty is life imprisonment or death; or
☐ (C) a controlled substance violation that has a maximum penalty of ten years or more; or
☐ (D) a felony and defendant previously was convicted of two or more of the offenses described in (A) through (C) above and
 (2) Defendant previously has been convicted of one of the crimes listed in subparagraph (1)(A)-(C), above and
 (3) The offense referred to in subparagraph (2) was committed while defendant was on release pending trial and
 (4) Not more than five years has elapsed since the date of conviction or release from imprisonment for the offense referred to in subparagraph (2).
☒ b. There is probable cause to believe that defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed
☒ in the Controlled Substances Act, 21 U.S.C. §§ 801, et seq.,
☐ the Controlled Substances Import and Export Act, 21 U.S.C. §§ 951, et seq.,
☐ the Maritime Drug Law Enforcement Act, 46 U.S.C. App. §§ 1901, et seq., or
☐ an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b.
☐ an offense under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and

The defendant be afforded reasonable opportunity for private consultation with his counsel; and

That, on order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: 8/31/11

Dale A. Dyer
UNITED STATES MAGISTRATE JUDGE

FILED

Case 2:11-mj-00273-DAD Document 3 Filed 08/31/11 Page 1 of 1

AO 94 (Rev. 8/97) Commitment to Another District

AUG 31 2011

UNITED STATES DISTRICT COURTCLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY California DEPUTY CLERK

Eastern

District of

UNITED STATES OF AMERICA

V.

MOISES LOPEZ-PRADO

COMMITMENT TO ANOTHER DISTRICT

Case No. MAG-11-00273-DAD

DOCKET NUMBER**MAGISTRATE JUDGE CASE NUMBER**

District of Arrest

District of Offense

District of Arrest

District of Offense

2:11-mj-00273-DAD

3:10-cr-00510-RE-3

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN☐ Indictment ☐ Information ☐ Complaint ☒ Other (specify) Superseding Indictment

charging a violation of 21 U.S.C. § 841(a)(1); 846

DISTRICT OF OFFENSE

DISTRICT OF OREGON, PORTLAND DIVISION

DESCRIPTION OF CHARGES:

CONSPIRACY TO DISTRIBUTE AND POSSESS WITH INTENT TO DISTRIBUTE METHAMPHETAMINE AND COCAINE.

CURRENT BOND STATUS:

- ☐ Bail fixed at _____ and conditions were not met
- ☒ Government moved for detention and defendant detained after hearing in District of Arrest
- ☐ Government moved for detention and defendant detained pending detention hearing in District of Offense
- ☐ Other (specify) _____

Representation: ☐ Retained Own Counsel ☒ Federal Defender Organization ☐ CJA Attorney ☐ None**Interpreter Required?** ☐ No ☒ Yes Language: Spanish**DISTRICT OF CALIFORNIA, EASTERN DIVISION**

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

8/31/11

Date

Dee A. Dyer

United States Judge or Magistrate Judge

RETURN**This commitment was received and executed as follows:**

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY

A TRUE COPY, ATTEST**VICTORIA C. MINOR, CLERK**By: Abundina Sandoval
Deputy Clerk